



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, JULY 7, 2015**

On this 7<sup>th</sup> day of July 2015 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	Olga Noriega
Commissioner	David R. Fox
Commissioner	Greg Kerr
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Mike R. Perez
City Secretary	Elizabeth Walker
City Attorney	J.R. Garza

Also present: Jose Pena, IT Director; Maria Barrera, Finance Director; David Salinas, Public Utilities Director, Pete Garcia, Public Facilities Director, Chief Tony Lopez, Fire Department; Chief Stephen Mayer, Police Department; David Arce, Parks and Recreation Director; Arnold Becho, Library Director; Mardoqueo Hinojosa, Planning and Code Enforcement Director and City Engineer; George Garrett, Airport Director; Rosa Huerta, Municipal Court Administrator; and other staff members and citizens.

**I. CALL TO ORDER**

**A. Certification of Public Notice.**

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, July 10, 2015.

A moment of silence was observed for Fred McCalab and well wishes were extended to Mayor Pro-Tem Noreiga on her birthday today July 7<sup>th</sup> and Commissioner Tafolla on his birthday tomorrow, July 8<sup>th</sup>.

**B. Invocation.**

Reverend Howard Bloomquist, Central Christian Fellowship, led the invocation.

**C. Pledge of Allegiance.**

The Mayor led the Pledge of Allegiance and Texas Flag.

**D. Roll Call.**

Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

## **II. D. PUBLIC COMMENTS**

David Arce, Parks and Recreation Director, thanked all those involved in the preparation of the Fourth of July fireworks event.

Mr. Joe Garza, 1201 S FM105, opposed the abonnement of the alley, Item VI.E. Mr. Romel Garcia commented when an alley is not used for 20 years it may be abandoned or repurposed and was in favor of the same item.

Commissioner Tafolla seconded by Commissioner Rivera, moved to table IV.B. Commissioner Tafolla rescinded the motion.

Commissioner Tafolla, seconded by Commissioner Rivera moved to table III.B. until August 18, 2015. The motion carried unanimously; Mayor Suarez was present and voting.

## **III. PUBLIC HEARINGS**

- A. To solicit input on behalf of Sigifredo Rodriguez Jr. to rezone 1913 W. Business Highway 83, also being 0.43 acre E10.57 acres out of Farm Tract 633, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to open the public hearing. The motion carried unanimously; Mayor Suarez was present and voting. There were no comments received. There were no comments received.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to close the public hearing. The motion carried unanimously; Mayor Suarez was present and voting.

- B. To solicit input on behalf of Irma Valerio-Salinas to approve a Conditional Use Permit to operate an event center at 623 W. Business Highway 83, also being Lot 1, Harding-Gill Subdivision, Weslaco, Hidalgo County, Texas.

This item was tabled by earlier action.

## **IV. CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the following:  
1) Regular Meeting on June 16, 2015;

2) Special Meeting on June 30, 2015. Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Suarez was present and voting.

V.

**OLD BUSINESS**

- A. Discussion and reconsideration to approve Ordinance 2015-15 abandoning 20' X 830' of alley located behind lots 1-4 Block 1 South Palm Garden Estate Phase 1 and Lots 5-8 Block 1 South Palm Garden Estates Phase 2, creating a 20' x 830' utility easement behind Lots 1-4 Block 1 South Palm Garden Estate Phase 1 and lots 5-8 Block 1 South Palm Garden Estate Phase 2, and ordaining all other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-15. Possible action. (This item was tabled June 2 and denied May 5, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager stated there have been several issues recently pertaining to abandonment of alleys to include this item. He recommended a policy to address these types of issues with uniformity. He further recommended sending these items to the Planning and Zoning Commission to draft such a policy for Commission consideration and make a recommendation on these particular items.

Commissioner Fox requested the policy to be specific to include situations for areas that are annexed and in ETJ as well as a timeline; Commissioner Tafolla requested legal counsel have input as well.

Commissioner Pena, seconded by Commissioner Kerr moved to send item V.A. back to Planning and Zoning until a policy is developed.

Mayor Suarez was not in favor of abandoning alleys because he felt there would be no recourse to get it back. Commissioner Tafolla stated he would like to see no more alleys. Commissioner Fox stated to notify all property owners that would be affected in original motion.

Commissioner Pena, seconded by Commissioner Kerr, rescinded the motion and moved to refer to Planning and Zoning to create policy with guidelines on matters pertaining to alley abandonment. The motion carried unanimously; Mayor Suarez was present and voting.

Mr. Mardoqueo Hinojosa, Director Planning and Zoning, recommended at least two meetings with the Planning and Zoning Commission to develop a policy.

Commissioner Pena, seconded by Commissioner Fox, amended the motion to refer the matter to the Planning and Zoning Commission and bring back to the City Commission the second meeting of September after it had a chance to create policies on alleys. The motion carried unanimously; Mayor Suarez was present and voting.

Mr. Hinojosa assured that staff would maintain status quo for the applicants, with no fees charged, until Commission action.

- B. Discussion and consideration after public hearing on behalf of Jose Leonardo Olivares to approve a Conditional Use Permit to operate a Bed and Breakfast at 1702 S. Airport Dr., also being a 1.00 acre tract of land N166.20'-S918.47'-292.40' of Farm Tract 697, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (This item was tabled June 2, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Pena, moved to remove the item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

Applicant Jose Leonardo Olivares, explained he hopes to rent some of his six bedrooms through AirB&B. Mr. Mardoqueo Hinojosa reported both the Planning and Zoning Commission and staff recommend approval subject to final inspection and conditions are met before the permit is issued, including parking.

Commissioner Tafolla, seconded by Commissioner Kerr, moved to approve as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration to approve on Second and Final Reading Ordinance 2015-03 amending the Code of Ordinances §114.06, "Special Sign Categories, Permitted, and Prohibited Signs," adding such sections to provide for the placement of political signs on private property, to provide for the regulation of electioneering on public property and election polling places; to provide a repealing clause; to provide a severability clause; to provide a penalty for each offense; and to provide an effective date. Possible action. (There was no action on this item June 2, 2015; First reading held January 20, 2015; Staffed by City Secretary's Office.) Attachment.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to remove from the table. The motion carried unanimously; Mayor Suarez was present and voting

The City Secretary reported after a workshop, a working group consisting of Commissioners Kerr and Rivera and the Mayor, recommends reducing the scope of the ordinance to regulate electioneering only at polling locations owned or controlled by the City; the ordinance as revised will not affect private property or polling locations owned or operated by a different entity. The working group also recommends assigning spaces for "camps" for each candidate or place on the ballot, with such space assigned by drawing for each local office and first come, first serve

assignment for other places on the ballot. They recommend limiting signs outside the assigned camp to four per place on the ballot, with one no greater than 4X4 and the others 2X2. They present two different proposed locations for the camps, as illustrated, with one at the eastern edge of the parking lot in front of City Hall and the other at the western edge.

Commissioner Fox recommended regulating camps to the interior of the parking lot; Commissioner Pena suggested allowing four signs, two no greater than 4X4 and Mayor Pro-Tem Noriega suggested no electioneering at all on any medians.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to table until the next meeting. The motion carried unanimously; Mayor Suarez was present and voting

## **VI. NEW BUSINESS**

- A. Discussion and consideration after public hearing to approve Ordinance 2015-20 to rezone 1913 W. Business Highway 83, also being 0.43 acre E10.57 acres out of Farm Tract 633, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. First Reading of Ordinance 2015-20. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated the Planning and Zoning Commission and staff recommend approval.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration after public hearing on behalf of Irma Valerio-Salinas to approve Conditional Use Permit to operate an event center at 623 W. Business Highway 83, also being Lot 1, Harding-Gill Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

There was no action on this item.

- C. Discussion and consideration to accept the 2014 City of Weslaco Comprehensive Plan by Gonzalez-De La Garza Consulting Engineers and to adopt the future land use map. Possible action (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Edward De La Garza, Consultant, reviewed the 2014 City of Weslaco Comprehensive Plan as submitted, including land use, parks inventory, and proposed watersheds. Commissioner Pena requested to update the plan to reflect recent

annexations; Mr. De La Garza stated the document is intended to evolve.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting

- D. Discussion and consideration to accept the 2014 City of Weslaco Drainage Plan by Gonzalez-De La Garza Consulting Engineers. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration on behalf of Ricardo Quintanilla to renew an agreement abandoning a 20' alley located behind lots 1-2 Block 14, L.D. Morgan Addition and to the east of lots 8-10, Block 14, L.D. Morgan Addition. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to table the item. Commissioner Rivera then rescinded the motion.

Commissioner Pena, seconded by Commissioner Rivera, moved to send this item to the Planning and Zoning Commission to review with the new policy it is developing on abandonment of alleys and easements and bring back the second meeting of September.

The Mayor Pro-Tem noted this item differs from the other alley item in that this one identifies an agreement that expired in 2011; by tabling, the Commission effectively is extending an expired contract. In response to Commissioner Fox, Mr. Hinojosa stated there are no other such contracts and the term specifically states one year. Commissioner Pena rescinded the motion.

Mayor Pro-Tem Noriega, seconded by Commissioner Fox, moved to not renew the agreement so that applicant Ricardo Quintanilla can follow the same procedure as set for item V.A., to go to the Planning and Zoning Commission for review and recommendation and return to the City Commission the second meeting of September. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to approve a hangar lease with Joe Marroquin, d.b.a. Marroquin Aviation Maintenance, for a period of five (5) years for use of City-owned Hangar B in an amount of \$750.00/month and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment

The City Manager recommended approval subject to adding a cancellation clause in the agreement in the event the City needs to add or extend the taxiway; 180-days notice is sufficient. The Mayor clarified the rent is \$750/month with the first year

improvements to the facility in lieu of rent, as proven by permits and receipts. Mr. Garrett clarified any airplanes in the hangar now are to accommodate existing leasers during the construction.

Commissioner Pena, seconded by Commissioner Kerr, moved to approve as recommended. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to approve the 2015 Interlocal Agreement with the County of Hidalgo for the implementation of the Community Development Block Grant (CDBG) under Grant No. B-15-UC-48-0501 setting the City's allotment at \$283,695.00 for activities to be carried out in the City's jurisdiction and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- H. Discussion and consideration to extend the current Group Health Insurance policy and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Commissioner Fox abstained from the discussion and vote on this item.

The City Manager stated bids were solicited last year; the City is too small to be self-insured and suggested partnering with other cities to pool as self-insured. The recommendation from staff is to extend this product another year as the City may take a loss on the run-offs.

Mayor Pro-Tem Noriega, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Commissioner Fox abstained. Mayor Suarez was present and voting.

- I. Discussion and consideration to authorize staff to solicit proposals from qualified insurance carriers for the following:
1. Worker's Compensation Insurance;
  2. Employer's Liability;
  3. Commercial Package (Property Insurance, General Liability/Professional, Airport Liability, Crime Liability, Law Enforcement Liability, Automobile Insurance, Error and Omissions Liability, Umbrella Liability Coverage, Ocean Marine Liability, Pollution Liability, Flood, Professional Liability [EMS], etc.); and
  4. Basic Life & Accidental Death & Dismemberment
- and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Commissioner Fox abstained from the discussion and vote on this item.

The City Manager stated the last solicitation for proposals was in 2011 and recommended to solicit bids for all products, some held by private insurance, some by TML Risk Pool.

Mayor Pro-Tem Noriega, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Commissioner Fox abstained. Mayor Suarez was present and voting.

- J. Discussion and consideration to solicit qualifications for "Professional Consulting Service" related to insurance coverages for the City and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources Department.) Attachment.

Commissioner Fox abstained from the discussion and vote on this item.

The City Manager recommended approval so that a professional may assist in evaluating proposals. Ms. Veronica Ramirez stated this would be effective October 1, 2015.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve as presented. The motion carried unanimously; Commissioner Fox abstained. Mayor Suarez was present and voting.

- K. Discussion and consideration to approve Resolution 2015-43 authorizing execution of an investment agreement for participation in the Lone Star Investment Pool, designating the pool as an agency and instrumentality, approving investment policies of the pool, appointing Authorized Representatives, designating investment officers, and authorizing the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Mayor Pro-Tem and Commissioner Tafolla requested no action on this item. The City Manager stated staff is reviewing the banking contract.

- L. Discussion and consideration regarding a City flag. Possible action. (Requested by Mayor Pro-Tem Noriega and Mayor.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Tafolla, moved to approve.

Mayor Pro-Tem Noriega suggested soliciting proposals; Commissioner Pena suggested an ad hoc committee of City Commission member to establish parameters and contest guidelines for public participation.

The Mayor, seconded by Commissioner Kerr, moved to appoint an ad-hoc committee



composed of Mayor Pro-Tem, Commissioner Pena, and Commissioner Fox to establish parameters and guidelines for public participation regarding a City flag. The motion carried unanimously. Mayor Suarez was present and voting.

- M. Discussion and consideration to select members to a review committee on solid waste collection proposals. Possible action. (Staffed by City Manager's Office.)

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to approve. The City Manager recommended two commissioners, the Finance Director and himself.

Commissioner Pena, seconded by Commissioner Fox, amended the motion to select the Mayor Pro-Tem, Commissioner Kerr and Commissioner Tafolla as the committee. The motion carried unanimously; Mayor Suarez was present and voting.

The Mayor Pro-Tem stated the Mayor may be present at the committee meetings; the City Manager, noting that may be a quorum, stated a workshop will be posted for the committee to begin the process of reviewing the solid waste collection proposals.

Commissioner Pena, seconded by Commissioner Tafolla, moved to change the order of the day to consider Executive Session items immediately. The motion carried unanimously; Mayor Suarez was present and voting.

#### **VIII. EXECUTIVE SESSION**

At 7:38 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 9:39 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

#### **IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

Commissioners Tafolla and Rivera were not present at the dais.

Mayor Suarez, seconded by Commissioner Pena, moved for the City Manager, City Attorney and the Mayor to proceed as discussed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting

- B. Pending Litigation – Consultation with City Attorney regarding Cause No. C- 1361-15-E *Mobile Video Tapes, Inc., D/B/A KRGV-TV v. City of Weslaco, Texas, Mike Perez* in the 275<sup>th</sup> Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- C. Pending Litigation – Consultation with City Attorney regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.

Commissioner Kerr, seconded by Commissioner Pena, moved to authorize the City Attorney to proceed as directed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting

- D. Pending Litigation - Consultation with City Attorney regarding CL-15-1860-H *Gilberto Heredia, Jr. v. City of Weslaco* as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- E. Economic Development – Discussion with the Economic Development Corporation of Weslaco to renegotiate amendments to bring an economic development project to the City of Weslaco as authorized by §551.087 of The Texas Government Code.

There was no action on this item.

- F. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Chicken Hatch as authorized by §551.087 of The Texas Government Code.

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to approve as directed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioners Tafolla and Rivera returned to the dais.

- G. Contract Negotiation - Consultation with City Attorney on the contract with the Valley Nature Center as authorized by §551.0725 of The Texas Government Code.

Commissioner Fox, seconded by Commissioner Pena, moved to rescind, amend or modify the contract as discussed in Executive Session and require all future contracts to post bond. The motion carried unanimously; Mayor Suarez was present and voting

- H. Pending Litigation – Discussion with City Attorney regarding C-2317-13-H *Division 16 Construction Corporation, Plaintiff, v. City of Weslaco, Defendant* as authorized by §551.071 of the Texas Local Government Code.

Mayor Pro-Tem Noriega, seconded by Commissioner Rivera, moved to authorize the

City Attorney to proceed as directed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting

**VII. DEPARTMENTAL UPDATES**

- A. Quarterly Report by Weslaco Area Chamber of Commerce.
- B. Quarterly Report by Economic Development Corporation of Weslaco.
- C. Engineering and Waterline Mapping by Planning and Code Enforcement Department.
- D. Water and Wastewater Systems by Public Utilities Department.
- E. Household Hazardous Waste Collection by Public Utilities Department.
- F. Paving by Public Works Department.
- G. Runway Extension by Airport Department.
- H. Drinking Fountains and City Cemetery by Parks and Recreation Department.

There were no reports presented.

**X. ADJOURNMENT**

With no other business before the Commission, at 9:43 p.m. Mayor Suarez, seconded by Commissioner Tafolla, moved to adjourn the July 7, 2015 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

\_\_\_\_\_  
MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth Walker

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MAYOR PRO-TEM, Olga Noriega

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COMMISSIONER, David R. Fox

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COMMISSIONER, Greg Kerr

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COMMISSIONER, Gerardo "Jerry" Tafolla

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COMMISSIONER, Lupe Rivera

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COMMISSIONER, Fidel L. Pena, III